



AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Northern District of New York

UNITED STATES OF AMERICA

v.

EDUARDO CRUZ-RANGEL,

Case No. 8:24-MJ-560 (GLF)

Defendant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the date(s) of December 2, 2024, in the county of Clinton in the Northern District of New York, the defendant violated:

Code Section

8 U.S.C. § 1326(a)

Offense Description

The defendant, an alien, native and citizen of Cuba, who has been denied admission, excluded, deported, or removed, or has deported the United States while an order of exclusion, deportation, or removal is outstanding, entered and was thereafter found in the United States without the Attorney General of the United States, or his successor, the Secretary of Homeland Security, having expressly consented to the defendant's reapplication for admission into the United States.

This criminal complaint is based on these facts:

☒ Continued on the attached sheet.

Complainant's signature

Alex J. Espinoza, Border Patrol Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: Dec. 3, 2024

Judge's signature

City and State: Plattsburgh, NY

Hon. Gary L. Favro, U.S. Magistrate Judge

Printed name and title

United States of America v. CRUZ-Rangel

Through my involvement in this matter, I have learned the following facts from documents, reports, records checks, and from communications with other members of law enforcement.

On or about October 26, 2011, Eduardo CRUZ-Rangel a native and citizen of Cuba with no lawful authority to be present in the United States, was encountered by Border Patrol agents near Boynton Beach, Florida, and was issued a Warrant of Arrest/Notice to Appear and then released.¹ On or about January 5, 2023, CRUZ-Rangel was ordered removed in absentia by an Immigration Judge. At some point, CRUZ-Rangel departed the United States and began living in Canada, where he reportedly sought and obtained refugee status.

On December 1, 2024, at approximately 12:59 am, Border Patrol Agents were dispatched to Blackman Corners Road in Mooers, New York, after information from the Royal Canadian Mounted Police ("RCMP") indicated a potential illegal crossing into the United States. CRUZ-Rangel was encountered by Border Patrol Agents near the U.S./Canadian border and was arrested. After he was identified and processed, CRUZ-Rangel's previous order of removal was reinstated, and CRUZ-Rangel was removed by foot to Canada through the Champlain New York Port of Entry on December 1, 2024.

On December 2, 2024, Border Patrol agents were dispatched to Meridian Road near Champlain, New York, in Clinton County, a location close to the U.S./Canadian border, after RCMP again provided notification of a potential illegal crossing into the United States.

Border Patrol Agents responded to the area and located a person off the road attempting to conceal himself in the brush. Agents approached the individual, identified themselves as Border Patrol Agents, and questioned the person regarding his citizenship. The man, subsequently identified as CRUZ-Rangel, freely admitted to being a citizen and national of Cuba not in possession of any documents that would allow him to remain in the United States legally. CRUZ-Rangel was taken into custody and transported to the Champlain, NY Border Patrol Station for processing.

At the station, CRUZ-Rangel's biographical information and fingerprints were entered into Department of Homeland Security databases. Record checks revealed that CRUZ-Rangel did not have any immigration documentation that would allow him to be within the United States legally. Record checks further revealed CRUZ-Rangel had been previously ordered removed from the United States in absentia and subsequently removed on foot on December 1, 2024. A search of relevant immigration records confirmed that after his December 1, 2024 removal, CRUZ-Rangel had not sought or obtained the express permission of the Attorney General, or his successor, the secretary of Homeland Security, to return to the United States.

CRUZ-Rangel was issued his *Miranda* warning and agreed to speak with law enforcement without his lawyer present. CRUZ-Rangel made the following statements. After CRUZ-Rangel was removed from the United States on December 1, 2024, Canadian official purchased him a bus ticket to Montreal. He spent the night in Montreal, and in the morning he hired a taxi to take him to the U.S./Canada border. CRUZ-Rangel stated that when he was being removed the day before he told agents that he would return and would rather be in jail in the United States than live in Canada under his refugee status. During his December 2, 2024 interview, CRUZ-Rangel further said that if he was removed to Canada again today he would return to the United States. When speaking about his prior immigration history, CRUZ-Rangel claimed that he departed the United States for Canada on December 19, 2022.

¹ I have received a Border Patrol report indicating that this encounter was in Texas, but I believe that report was mistaken about the location of the encounter, which can happen based on a misreading or misinterpretation of the place-name code. One way or the other, it appears that the Eduardo CRUZ-Rangel was encountered in the United States on or about October 26, 2011, without legal documentation to be in the United States.